

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRICK ROBISON,

Defendant.

ORDER

07-cr-31-jcs-02

Defendant Darrick Robison has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on November 28, 2007. During Judge Shabaz's medical leave, I am handling the cases assigned to him, including this one.

Defendant's original total adjusted offense level was 21; he was sentenced to 78 months, which was just below the midpoint of the sentencing guideline range of 70 to 87 months. Under the amended guidelines, his base offense level is 24, reduced by three levels for acceptance of responsibility and two levels for substantial assistance. With an offense level of 19 and a criminal history category of V, defendant has an advisory guideline range of 57-71 months.

Defendant asks for a sentence of 57 months, at the bottom of the amended

sentencing range. The government argues for a proportional decrease to the midpoint of the amended guideline range, or 60 months, which is the statutory mandatory minimum sentence.

I am persuaded that in this case a reduction to the bottom of the range is justified. It will ameliorate the effects of the sentencing discrepancy between crack and powder cocaine offenses and recognize the major step defendant has taken in providing assistance to law enforcement authorities. Defendant has not asked for a sentence below the guideline range and I am not inclined to give him one under whatever authority I have under Kimbrough v. United States, 128 S. Ct. 558 (2007). The reduced sentence is sufficient to carry out the statutory purposes of sentencing, which include reflecting the severity of defendant's crime, protecting the community and achieving parity with the sentences of similarly situated defendants.

ORDER

IT IS ORDERED that the judgment and commitment order entered on November 28, 2007 is AMENDED to provide that the sentence imposed on defendant Darrick Robison is reduced to 57 months. In all other respects, the judgment and commitment order remains

as entered on November 28, 2007.

Entered this 23d day of April, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge